IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15841 of 2004

Between:

M/s Gayatri Sea Foods, Someswaram, Alapadu Post, Kaikaluru Mandal, Krishna District, A.P. rep. by its Managing Partner , N.V.R. Mohan Rao S/o Ramulu, aged 38 years, Someswaram,
Alapadu Post,Kaikaluru, Krishna District. **..... PETITIONER**

AND

1 The Government of Andhra Pradesh, rep. by its Secretary, Agriculture & Co-operation, (Marketing II) Department, Secretariat, Hyderabad.
2 The Commissioner and Director of Marketing, Government of Andhra Pradesh, Hyderabad.
3 The Agricultural Markiet Committee, Akividu, West Godavari District, rep. by its Selection Grade Secretary. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the Circular No. I(2) 119/03 dt. 28-7-2004 issued by the 2nd respondent directing the 3rd respondent to collect Development cess at the rate of Rs. 0.5% on Aqua Products (Prawns) meant for export and the consequential circular R.O.C. No. 203/04 dt. 9-8-2004 directing the Petitioner to pay the Development cess at the rate of Rs. 0.5% before exporting the products as illegal, arbitrary, unreasonable, null and void, without jurisdiction and without power of authority of law and ultravires the provisions of the Andhra Pradesh (Agricultural produce & Livestock) Markets Act, 1966 and violation of Articles 14, 19 (1) (g) and 265 of the constitution of India and consequently direct the Respondents not to collect the same and pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.V.SESHA SAI

Counsel for Respondents 1 & 2: The Government Pleader for Agriculture.

Counsel for Respondent No.3: Sri Posani Venkateswarlu.

The Court at the stage of admission made the following Order:

It is represented by the learned Government Pleader appearing for the respondents that the impugned circular dated 28-07-2004 has been withdrawn, which fact has not been disputed by the learned counsel for the petitioner.

The writ petition is accordingly dismissed as infructuous. No costs.

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03-09-2004

kdl

To

1. The Secretary, Agriculture & Co-operation, (Marketing II) Department, Government of Andhra Pradesh, rep. by its, Secretariat,Hyderabad.
2. The Commissioner and Director of Marketing, Government of Andhra Pradesh, Hyderabad.
3. The Selection Grade Secretary, Agricultural Market Committee, Akividu, West Godavari District.
4. Two C.Cs. to the Government Pleader for Agriculture, High Court Buildings, A.P., Hyderabad, (OUT).
5. Two C.D. Copies.